

# 2007 REPORT

## DIVISION OF STATE COURT ADMINISTRATION

The year 2007 was a period of tremendous transition for the Division of State Court Administration, both in terms of its many projects and programs and its people. Capping off years of work by the Division and its JTAC section, the production of the Indiana Judicial Service Report was completed entirely online. The advent of the Indiana Courts Online Reports System in 2007 has enhanced both the efficiency and the accuracy of the entire report.

Along with the change in the production process, the Division also moved from its longstanding presence on the tenth floor of the National City Center to new quarters on the fifth floor at 30 South Meridian, the former home of the L.S. Ayres department store. The move not only enabled the Division and its JTAC section to inhabit the same building for the first time, but also allowed the Division to organize its entire staff more efficiently and to plan for future growth.

Personnel changes were also a large part of the Division's transition in 2007. Former Counsel to the Chief Justice, David J. Remondini, was hired in early 2007 as the Division's first Chief Deputy Executive Director. Former Vigo Superior Court Judge James R. Walker was named Director of Trial Court Management, and Indianapolis employment lawyer Brenda Rodeheffer was hired as the Division's new employment lawyer and given responsibility for managing the Division's new space at 30 South Meridian.

The JTAC section has enjoyed significant growth during 2007. Mary Wilson was hired as a Project Manager and, former Marion County Deputy

Prosecutor David Griffith came on board as JTAC's staff attorney.

During 2007 the Division embarked on a number of new projects to make it more accessible and useful to the Indiana judiciary. Planning for continuity in payroll and benefits administration in the event of a disaster was initiated. A new outreach program to more closely connect the Division and trial judges called BRIDGES (Building Relationships Individually – Giving Excellent Support) was unveiled. It will involve designating one Division attorney as the main point of contact for each trial judge in an effort to enhance communication on a regular basis. In addition, the *Court Times* was put on a bi-monthly schedule and completely redesigned. To provide more coordination among the many Supreme Court projects that help trial courts deal with the challenges families face in court, the Division has joined with the Indiana Judicial Center to form a central clearinghouse for information and improved communication.

The following pages will provide additional information on the many ways the Division is working to help Indiana's judiciary become more productive and efficient.

# TRIAL COURT MANAGEMENT

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## 1) JUDICIAL SERVICE REPORTS

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One core responsibility of the Division is the collection of statistical information concerning the operation of Indiana's courts and their offices. As required by Indiana Code § 33-24-6-3 and Indiana Supreme Court Administrative Rules 1 and 2, the Division collects and publishes information on the caseload and fiscal activities of all courts and probation departments throughout the state. This data is published annually in The Indiana Judicial Service Report and The Indiana Probation Report. This data provides the empirical basis for policy decisions by both the Indiana Supreme Court and the Indiana General Assembly, and also provides important management information for individual courts.

For the first time in Indiana, in 2007, every court and probation department filed all of their required statistical reports, including quarterly statistical reports (caseload, probation supervisions and Juvenile Law Services information), online using the Indiana Courts Online Reports (ICOR) system. Originally launched by the Division with the cooperation of JTAC in 2006 to enable courts to file Quarterly Case Status Reports (QCSR) online, the use of ICOR to file all required statistical reports electronically became mandatory in 2007. With the statistical information being filed electronically, the users of the data will enjoy greater access to the information as well as a greater ability to analyze the data when reviewing court services.

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## 2) WEIGHTED CASELOAD MEASURES AND CASELOAD ALLOCATION PLANS

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Since the mid 1990's, the Division has employed a weighted caseload (WCL) measurement system to analyze the

statistical caseload data collected from the courts and report on judicial resource needs. Each year, the Division publishes a Weighted Caseload Report that provides a uniform, statewide method for comparing trial court caseloads. The system was first developed in 1993-1994 by a committee of the Indiana Judicial Conference and the Division, with the help of a consultant with nationally recognized expertise in weighted caseload measurement systems. The system was updated in 2002 and is again undergoing an update and revalidation. Indiana's caseload measurement system is based on time studies and actual case file audits and ascribes relative "weights" or "counts" to the different types of cases.

Presently, the Indiana Supreme Court has defined 34 different case types (Administrative Rule 8 identifies 35 case types but CB—Court Business does not receive a weight). Without a weighted system, each of these case types, whether murders or infractions, would receive a weight or count of "one." A WCL system provides a relative comparison between the different case types and allows courts and court policy makers to determine the sort of resources that would be necessary to handle the courts' caseloads.

Indiana Supreme Court Administrative Rule 1(E) requires the courts of record in a county to implement a caseload allocation plan to achieve an even distribution of the judicial workload among them. Based on the weighted caseload measures, the difference in utilization between any two courts of record within a county must not exceed a variance of 0.40.

Because the WCL system is based on statewide averages, it is important to recognize that it encompasses cases that are dismissed before any action is ever taken by a court, cases that are settled, cases that are reopened numerous times, and cases that require weeks to try. In addition, averages do not reflect specific local differences that may affect a particular county or court.

The most recent update of the Weighted Caseload study involves a detailed study of thousands of judicial actions and a new time study for certain criminal and juvenile cases. In total, 32,627 actions were reported in 149 courts in 47 counties, including 20 Drug Courts. The results are expected to enhance the Weighted Caseload system and will be released in late 2008 or early 2009.

In order to assist policy makers in accurately assessing a county's need for additional judicial officers, the Division also publishes a report on the relative severity of judicial resource need. The WCL system provides a tool for assessing the need for additional judges based on the number of cases being filed in a county. The "relative severity of need" concept provides a relative comparison of the need for new judges in each county.

This concept is best illustrated by an example. If the report indicates that County A and County B each need 2 additional judges, it may seem that their need is identical. Because of the number of judges already working in a county, however, the severity of the need may vary significantly. If County A already has 10 judges and needs 2 judges, it means that each of the 10 judges has to carry 120% of the expected caseload. On the other hand, if County B only has 2 judges and needs 2 more, it means that each of its existing judges is already handling double the expected caseload. The "relative severity" of County B's need for new judges is far greater than the need of County A.

The Weighted Caseload Measures report appears in this Volume in the Indiana Trial Courts Annual Report section and also is available at [www.IN.gov/judiciary/admin/courtmgmt](http://www.IN.gov/judiciary/admin/courtmgmt).

### 3) ACCESS TO COURT RECORDS AND REQUESTS FOR BULK DISTRIBUTION OF COURT RECORDS

Administrative Rule 9 addresses public access to court records. The rule governs all case and administrative court records maintained and generated by every court and court agency in the state court system. The most novel concept in the rule is the requirement that information not available for public access must be filed on green paper. One significant provision in the rule charges that the Division review and grant or deny requests for bulk compilations of court information. Administrative Rule 9 defines "bulk distribution" as "the distribution of all, or a significant subset of the information in court records in electronic form, as is, and without modification or compilation." This duty also requires the development and execution of a user agreement between the Division and the requesting party. The agreements expire annually, but may be renewed. During 2007, the Division received 7 renewal requests for bulk records and executed the requisite user agreements. A list of the approved bulk records requesters, along with copies of their user agreements, may be found at [www.IN.gov/judiciary/admin/courtmgmt/bulk-data](http://www.IN.gov/judiciary/admin/courtmgmt/bulk-data). Many trial courts post court information on the Internet as permitted by Trial Rule 77(K). If a court contracts with a third party vendor to do so, the vendor must also execute a bulk data user agreement with the Division.

Education about and assistance with the application of the provisions of Administrative Rule 9 on public access to court records continues to be a significant Division function. The Division expects to review and enhance the online handbook in 2008 to address the issues that have arisen concerning public access to court records.

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#### **4) DEPLOYMENT OF TRIAL COURT INFORMATION ON THE INTERNET**

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Rapid advancements in technology and the efficiency it affords have prompted some of Indiana's courts to seek ways to post docket information on the Internet. In an effort to both encourage and ensure that only public court information is deployed, and deployed appropriately, the Court promulgated Trial Rule 77(K). This rule provides that before any court or clerk deploys any court information on the Internet, it must seek and receive authorization from the Division.

During 2007, Division staff reviewed and approved numerous such requests. The list of approved counties can be viewed at [www.IN.gov/judiciary/trialcourts/tr77-approval.html](http://www.IN.gov/judiciary/trialcourts/tr77-approval.html). Of the 92 counties in Indiana, 51 have been approved to post their docket information. In addition, 5 city courts post their docket information pursuant to Trial Rule 77(K). Most courts post chronological case summaries (CCS), parties and calendar information. Late in 2007, Monroe County and Marion County Small Claims Division, Washington Township, began posting the CCS, parties and calendar information online through the Odyssey case management system.

The Division's Judicial Technology and Automation Committee (JTAC) staff, which is responsible for the development and maintenance of the Indiana Judicial website, developed individual web pages for each of Indiana's counties, listing contact information for all clerks and courts. The county websites also contain other useful information such as the local court rules, directions to the county courts and photographs of the often architecturally unique courthouses. The local websites are listed at [www.IN.gov/judiciary/trialcourts](http://www.IN.gov/judiciary/trialcourts). The websites are continually updated when the Division receives or approves additional rule related information.

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#### **5) STATE OFFICE OF GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE**

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In child abuse and neglect cases, the needs of the child-victims are often overlooked while the attorneys and the court focus on addressing the parents' problems. Guardian *Ad Litem* and Court Appointed Special Advocates serve as representatives of abused and neglected children in Child in Need of Services, or "CHINS", cases so that their interests are protected and their voices are heard. In 1989, the General Assembly established a program for Guardian *Ad Litem* and Court Appointed Special Advocate ("GAL/CASA") services, to be administered by the Division.

Through this program, counties that operate a certified GAL/CASA program receive matching state grants that are administered and disbursed by the Division based on a statutory formula. In order to be certified, programs must comply with the Supreme Court's GAL/CASA Program Standards and Code of Ethics, provide annual statistics, a budget and a financial statement regarding the use of the grant funds. The Division's State Office of GAL/CASA ("State Office"), through its State Director and Program Coordinator, oversees the certification process and ensures compliance with the program standards. The State Office also holds an annual conference and provides training and support services for local GAL/CASA programs.

Sixty-three of Indiana's 92 counties were certified and received state GAL/CASA matching funds in 2007. Sixty-six counties in Indiana funded a volunteer-based GAL/CASA program, staffed by 164 paid personnel. Of the 66 counties with volunteer-based programs, 32 counties had court-based programs, 24 counties had programs that were separate non-profit entities, and 10 counties had programs that were operated under the

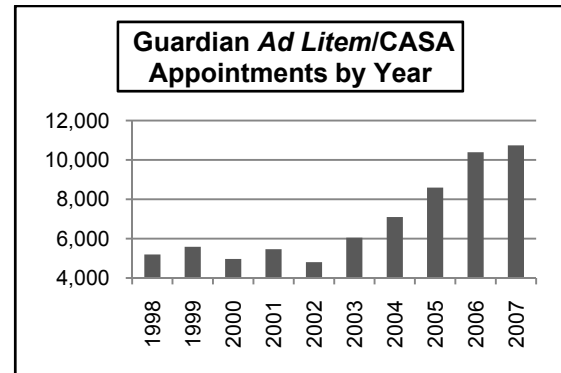
umbrella of another non-profit entity. The remaining 26 counties appointed either attorney GALs or utilized other, paid GALs. During 2007, GAL/CASA volunteers donated an estimated 508,973 hours. If the contribution of GAL/CASA volunteers is calculated using the rate customarily paid to non-volunteer appointed GALs (\$50 hourly), the volunteers contributed an estimated \$25.5 million dollars to the State of Indiana.

There were at least 2,161 active GAL/CASA volunteers statewide in 2007 including 604 newly trained volunteers. GAL/CASA volunteers advocated for 7,322 children in CHINS cases and 1,353 children in termination of parental right cases that were filed in 2007. Even so, there were at least 3,047 children still waiting for a GAL/CASA volunteer to be appointed to their cases at the end of 2007.

On November 16, 2007, the State Office held its annual meeting for GAL/CASA directors and staff, and on November 17, sponsored the Eleventh Annual Indiana State GAL/CASA Conference. Over 450 GAL/CASA volunteers, local program staff and directors, service providers, and other child welfare personnel attended the annual CASA conference. The State Office also provided training for new GAL/CASA program directors, held a Facilitator's Training, and gave numerous local and regional training sessions in 2007.

The Indiana General Assembly passed legislation in 2005 requiring the appointment of a GAL/CASA for every child in every CHINS case. In 2007, the General Assembly substantially increased the funding for GAL/CASA programs to assist the programs in serving every child. The additional funds will assist local programs in their efforts to recruit and train more volunteers so that every child can have a GAL/CASA to speak for them while they are in the child welfare system. In

addition, in 2007, the State Office and the Indiana Retired Teachers Association ("IRTA") formed a partnership to encourage retired teachers to serve as GAL/CASA volunteers in CHINS cases. This collaboration was launched with a press conference given by Chief Justice Randall T. Shepard and Governor Mitchell E. Daniels.



For more information, see the GAL/CASA statistical reports in the Indiana Trial Courts Annual Reports section in this volume.

## 6) FAMILY COURT PROJECT

The Family Court Project was initiated in 1999 as a cooperative effort between the General Assembly and the Indiana Supreme Court. The purpose of the Project is to develop common sense models to better serve children and families in our courts. The initial emphasis of the Family Court Project was to develop models to coordinate families who have multiple cases pending before multiple judges.

Beginning in 2000, three pilot counties developed effective family court models under the administration of the Division of State Court Administration, with guidance from a statewide Family Court Task Force.

The Supreme Court established 4 Family Court Rules exclusively for the use of the family court projects. These rules address judicial notice, jurisdiction, and confidentiality issues to promote information sharing on troubled families. These rules may be found online at [www.IN.gov/judiciary/rules](http://www.IN.gov/judiciary/rules).

Every two years the Supreme Court selects new counties to join the Indiana Family Court Project. Currently 23 counties participate in 17 single and regional family court projects. The projects receive assistance from the family court program manager under the direction of the Division of State Court Administration, and two-year seed funding from the Supreme Court to establish programming. Extended funding is available to help counties transition to local government and grant resources.

In each family court project, the local judiciary and community work collaboratively to develop programs particularized to local needs. While all projects must include some type of judicial coordination of multiple case families, programming has expanded to include non-adversarial dispute resolution and other programming for high-risk, low-income, and/or *pro se* families. The original counties remain actively involved in the project and continue to share ideas and mentor new pilot counties.

Phase V of the Family Court Project will begin in 2008. Two new counties were chosen in 2007 and are currently developing their programming. Information about the individual county projects is available on the Supreme Court's web site under family court programming.

For more information, see the Family Courts statistical reports in the Indiana Trial Courts Annual Reports section in this volume.

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## **7) APPROVAL OF LOCAL ALTERNATIVE DISPUTE RESOLUTION PLANS FOR DOMESTIC RELATIONS CASES**

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The Indiana General Assembly passed House Enrolled Act 1034 in 2003, authorizing for the first time the creation of alternative dispute resolution programs in domestic relations cases in each of Indiana's 92 counties. The statute was modeled after a pilot program first implemented in Allen County by Judge Thomas Felts. The act was effective on July 1, 2003. The Alternative Dispute Resolution Program in Domestic Relations cases under Indiana Code §33-23-6 permits a county to collect a \$20.00 fee from a party filing for a legal separation, paternity or dissolution case. This fee is placed in a separate fund and may be used for mediation, reconciliation, nonbinding arbitration and parental counseling in the county in which it is collected. Money in the fund must primarily benefit litigants who have the least ability to pay. Litigants with current criminal charges or convictions of certain crimes relating to domestic violence are excluded from participating.

A County wishing to participate in an ADR program must develop an ADR plan that is consistent with the statute and that is approved by a majority of the county's judges with jurisdiction over domestic relations and paternity cases. The Executive Director of the Division of State Court Administration must approve the plan, in accordance with ADR Rule 1.11. The counties are required to file an annual report summarizing the ADR program each year. Currently there are twenty-five counties with approved ADR plans (Allen, Boone, Brown, Clark, Crawford, DeKalb, Henry, Jackson, Johnson, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Orange, Owen, Perry, Pike, Porter, Putnam, St. Joseph, Shelby, Starke and Tippecanoe).



The Division has approved plans in the following areas: mediation services for litigants; free mediation days; payment for training of attorneys and others in exchange for handling a number of mediation cases in a set period of time; parental counseling; and other ADR services. Courts in various counties are creative in the use of the ADR funds to provide a wide range of alternative dispute resolution services under the statute including facilitation, conflict resolution classes, anger management classes, parenting coordination and intensive in-home case management, all of which fall under the general categories of parental counseling and reconciliation listed in the ADR statute.

More than 2,700 children were affected by the ADR fund plans in 2007. Fifty-two percent of the cases accepted under ADR fund plans in 2007 comprised dissolutions involving children.

For more information, see the ADR statistical reports in the Indiana Trial Courts Annual Reports section in this volume.

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## **8) ELECTRONIC FILING AND ELECTRONIC SERVICE PILOT PROJECTS**

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In an effort to encourage advancements in trial court technology, the Supreme Court promulgated Administrative Rule 16, which provides guidance to courts seeking to implement systems for electronic filing. An Appendix to the rule was subsequently published to identify the necessary elements that must be included in an e-filing pilot project plan. Two counties (Lake and White) filed proposals for review and approval by the Division for pilot e-filing systems. The Lake County plan was approved in 2007 but has not been implemented, and the White County plan will be redrafted in 2008.

Courts interested in implementing pilot e-filing systems must submit proposed plans to the Division, preferably following the format used in the Appendix. Pilot projects of this nature involve various issues, including compatibility with not only existing case management systems but also with Odyssey, the planned statewide system; fees; document retention; case types included; security; accessibility by self-represented litigants; software and hardware necessary for implementation, and proof of service.

The Division worked closely with Justice Brent Dickson and JTAC in developing the appendix and reviewing the pilot project proposal from Lake County. The Division, working with the courts to help make their pilot projects successful, hopes to create or adapt a model plan for use by future applying courts, based partially on the approved plans.

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## **9) INFORMATION MANAGEMENT**

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The Information Management Section assists trial court clerks and judges with the application of Administrative Rules 6 through 14, 16, and Trial Rule 77. The Administrative Rules set standards for records creation, maintenance, access, and disposal. Trial Rule 77 sets standards for case files, indexes, chronological case summaries (CCS), and records of judgments and orders (RJO).

In 2007, the Section staff made 38 visits to 26 different counties to review microfilming programs for compliance with Administrative Rule 6, application of court records retention schedules, the use of optical imaging for judicial records, and surveying protection order records. One special example occurred in Orange County. Due to remodeling, the court's records storage area was eliminated. Working with the judge, clerk, and a vendor, 14,200 dismissed (38% of all)

cases were destroyed, and an imaging system was approved for permanent and current records.

The primary activity of the Section consisted of review and approval of imaging proposals and authorizing the physical disposal of trial court records that had been either microfilmed or scanned. Imaging approvals were issued for Jefferson, LaGrange, Madison, Orange, Switzerland, and Wabash. In addition, the Section worked with probation departments in Madison, Shelby, and Wayne Counties regarding imaging, and approved the system for Madison Probation Department. The Section issued 53 individual letters approving destruction of records upon microfilming and 41 letters approving destruction after scanning. Currently, 18 county trial courts have approved imaging systems; an additional 10 are under review. Additional major imaging functions included meetings with JTAC to discuss imaging as a component of the judiciary's state-wide case management system, and working with clerks and vendors in establishing a generic imaging approval form.

Section staff also assisted trial judges and clerks by making group presentations and answering individual questions. The staff made presentations at the Association of Clerks of Circuit Courts of Indiana annual and regional meetings. In addition, the staff participated in meeting with the clerks association's records management committee, and fielded numerous telephone, fax, and e-mail inquiries.

Providing assistance to the Supreme Court's Record Management Committee, which met twice in 2007, is another important function of the staff.

Section staff also worked with the Genealogical Society of Utah and the Indiana Commission on Public Records in microfilming trial court records and helped them and the Indiana Genealogical

Society in the implementation of an indexing program for Indiana marriage records.

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## **10) CERTIFIED COURT INTERPRETER PROGRAM**

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Following the study of language and cultural barriers in Indiana courts, the Indiana Supreme Court Commission on Race and Gender Fairness made an interim recommendation to the Supreme Court to develop a certified court interpreter program for Indiana. In response, the Supreme Court authorized the Executive Director of the Division of State Court Administration to join with the National Center for State Courts to implement an Indiana court interpreter testing system. Indiana's Court Interpreter Certification Program was officially launched in January 2003.

The Court adopted a five-part process for foreign language interpreter certification. The process starts with a two-day orientation instructing candidates on judicial procedure, protocol and courtroom decorum; the role of an interpreter; ethical issues; skills and modes of interpreting; and terminology. Indiana-specific laws and rules are presented at orientation. Candidates also may practice interpreting skills and receive feedback from instructors.

The second phase is a written exam, comprised of two components. The first component, a multiple choice exam in English, tests candidates on general English vocabulary, court-related terms and usage, common English idioms, and court interpreter ethics and professional conduct. Candidates must receive at least a score of 80 percent to go on to the next phase. The second component requires candidates to translate several sentences with legal terms from English into Spanish. Currently, this portion of the written exam



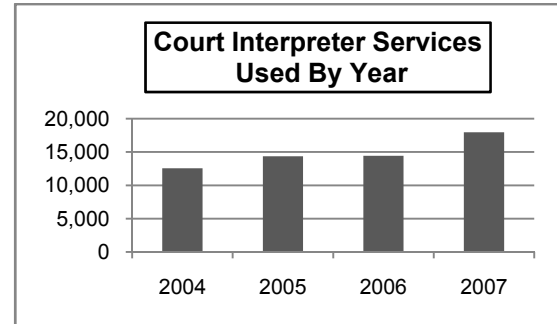
is utilized only to provide candidates with feedback about their performance.

The third phase of the certification process is a two-day skills building workshop in which candidates practice skills for various interpreting scenarios and are given constructive feedback by instructors. Once a candidate completes the skills building workshop, the candidate is eligible to take the oral foreign language proficiency examination. The oral exam covers the following modes of interpretation: sight translation, consecutive interpreting and simultaneous interpreting. Candidates must score at least 70 percent on all three sections in order to pass. Finally, a candidate must successfully undergo a criminal background check before becoming certified by the Indiana Supreme Court.

This past calendar year Indiana tested in the Spanish and French languages. Sixty-six (66) candidates took the oral exam; sixty-four (64) for Spanish and two (2) for French. Fourteen (14) candidates passed the Spanish oral exam in its entirety and fourteen (14) other candidates passed sections of the exam. One candidate passed all sections of the French oral exam, and the other French candidate passed at least one portion of the test. To date, Indiana has successfully conducted nine interpreter sessions and increased the pool of certified interpreters to fifty-two (52) for the state. Session ten of the Indiana Court Interpreter Certification Program began with orientation on May 16, 2008.

In December 2007, the Supreme Court held a swearing-in ceremony to honor the individuals who recently passed the certification process. Justice Boehm served as master of ceremonies. Former Justice Myra Selby and Ruth Rivera, chair of the State Bar's Latino Affairs Committee, also provided remarks.

This year the Indiana Supreme Court also awarded \$168,250 in foreign language interpreter grants to 40 county court systems to encourage trial courts to use certified interpreters and to help trial courts defray the costs of interpretation.



Beginning in 2004, the Division began tracking and reporting use of court interpreter services. While court interpreter services may be provided in every case type before the Indiana courts, the Division seeks to track only those interpreter services that were provided by the county, at county or partial county expense in the listed case types. The frequently used languages are: Spanish, American Sign Language, Arabic, Burmese, French, German, Greek, Hungarian, Japanese, Korean, Mandarin, Portuguese, Russian, Serbian, and Vietnamese.

## 11) PROTECTION ORDER PROCEEDINGS

The Indiana General Assembly has given the Division the responsibility for designing and updating the forms used in protection order proceedings. To fulfill this task, the Division has worked very closely with the Protection Order Committee. The membership of the committee includes trial court judges, magistrates, commissioners, and clerks of the circuit courts. The Indiana Judicial Center and the Division provide staff support for the committee.

The committee has developed a comprehensive set of forms that fall into three major categories:

- protective orders,
- no-contact orders, and
- workplace violence restraining orders.

During 2007, members of the committee targeted their considerable talents and efforts in three main directions:

(1) designing new forms and modifying existing forms for the Protection Order Forms website;

(2) assisting the Judicial Technology and Automation Committee (JTAC) with the Protection Order Registry; and

(3) educating judges, clerks, and other interested groups about the protection order process.

All the forms may be found on the Protection Order Forms page of the Indiana Judicial Website, [www.IN.gov/judiciary/forms/po.html](http://www.IN.gov/judiciary/forms/po.html). In addition, the committee has developed a Protection Order Deskbook that is also available on the Protection Order Forms website. One of the anticipated goals for the committee for 2008 is to revise and update the Protective Order Deskbook.

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## **12) CONTINUITY OF OPERATIONS PLANNING FOR THE TRIAL COURTS**

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Sparked by concerns for the continued operation of judicial institutions in the aftermath of natural or other disasters, the Chief Justice charged the Division to work with the Judicial Conference Court Management Committee and help Indiana's trial courts plan for disasters. Plans to address these situations are commonly known as "COOPs" (Continuity of Operations Plans).

The Court Management Committee designed a template that was distributed to judges at the Judicial Conference in the fall of 2006.

In 2007, the Supreme Court adopted a new administrative rule, Administrative Rule 17, which had been proposed by the committee to address disaster preparedness for all courts. The rule, effective January 1, 2008, allows the Supreme Court, upon petition from a trial court or *sua sponte*, to enter appropriate orders to ensure the orderly and fair administration of justice in the event of natural disasters, widespread disease outbreaks or other exigent circumstances that require the closure of courts or that inhibit the ability of litigants or litigants to comply with statutory deadlines or rules of court procedure.

## **COURT SERVICES**

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### **1) ACCOUNTS MANAGEMENT, PAYROLL AND CLAIMS, JUDICIAL BENEFITS COORDINATION**

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The Division maintains and administers 21 accounts, totaling approximately \$120,000,000. This fiscal responsibility includes the administration of payroll and benefit programs for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds. The annual payroll accounting for these purposes total approximately \$77,000,000, and cover approximately 700 individuals. As part of this "paymaster" function, the Division processes and pays more than 1,300 claims per year for special and senior judge services.

During 2007, the Division worked in concert with the Indiana Judicial Center and conducted numerous educational sessions on judicial benefits, retirement, and payroll. They updated and published,

in accordance with Administrative Rule 5 (A), a schedule for payment of senior judges and continued efforts to inform constituents about the payroll and benefit processes. In addition, the Division assisted individuals with the process of navigating through People Soft during Open Enrollment and answered questions relating to the various benefit offerings.

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## **2) EMPLOYMENT LAW SERVICES**

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Trial judges have the potential for legal liability in their administrative functions, particularly employment and management decisions. Various federal and state statutes and rules, as well as federal and state caselaw, affect the administrative decisions of trial judges. Since 1996, a Division attorney has been provided to give advice and assistance to trial judges on employment law issues and concerns. In addition to providing advice upon request, the attorney can assist the trial judges in investigating complaints about or within the trial court's staff members, answering EEOC charges, and acting as a liaison with the Office of the Attorney General on open cases.

The attorney also offers trainings to the staff of the trial judges upon request, and is available for presentations and seminars for the wider court community. Topics addressed include Family & Medical Leave Act, accommodation for disabilities, sexual harassment awareness and prevention, the Fair Labor Standards Act, effective employee management, drug testing, and ethics for court employees. The attorney also writes a regular column in the *Court Times* to keep the trial judges current on law that impacts their administrative decisions.

Since 2000, a Division attorney has served as legal counsel for the Board of Law Examiners, including representing the interests of the Board of Law Examiners in appeal hearings brought by bar applicants

who have been denied permission to practice law.

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## **3) SPECIAL JUDGES AND SENIOR JUDGE PROGRAMS**

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The Division's legal staff serves as counsel to the Supreme Court in matters involving requests for the appointment of special judges, special masters, and senior judges. The Division staff also conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission and attorneys who are serving as hearing officers in disciplinary cases.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain circumstances. The Division monitors local rules establishing plans for special judge selection and processes requests for the appointment of special judges by the Supreme Court. In 2007, the Division received 80 new requests for special judge appointments.

Since 1989, Indiana has been able to tap into an experienced pool of former judges to help alleviate the pressure of increasing caseloads. Enabling legislation provides that a former judge may apply to the Indiana Judicial Nominating Commission for certification as a senior judge under rules adopted by the Indiana Supreme Court. The legislation further provides that any trial court and the Indiana Court of Appeals may request that the Indiana Supreme Court appoint a senior judge to assist that court. The Division administers the senior judge program.

In 2003, the Indiana Supreme Court developed a comprehensive set of standards for the certification, service, appointment and payment of senior

judges. This rule enables the Supreme Court to allocate senior judge time to courts with the heaviest caseloads while still allowing all courts to have sufficient senior judge help (a minimum of 10 days per year) to relieve trial judges during necessary absences from the bench.

The Division's administration of the senior judge program includes processing certification applications and orders of certification, requests for appointments, weighted caseload comparisons and orders of appointment. The Division also administers senior judge benefits and processes claims for payment of per diem expenses.

Small at first, the Indiana senior judge program has grown into an invaluable resource of seasoned judicial officers who serve at minimal cost to the state and no cost to the counties. In 2007, Indiana had 84 certified senior judges who served a total of 3,805 days. These days are equivalent to approximately 21 full-time judicial officers.

For more information, see the Senior Judge statistical reports in the Indiana Trial Courts Annual Reports section in this volume.

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#### **4) PROVIDING ASSISTANCE WITH LOCAL COURT RULES**

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A new day has arrived in Indiana in how local court rules are communicated to the bar and the public. In 2004, at the request of its Committee on Rules of Practice and Procedure, the Indiana Supreme Court initiated a project designed to ensure that local court rules are readily available to practitioners, litigants, and the public. The Supreme Court also sought to bring uniformity to the numbering of local rules and in the process whereby local rules are amended.

The initiative was spearheaded by a special Local Rules Committee, chaired by Court of Appeals Judge Margret Robb. After extensive research and study of existing local court rules, the committee recommended, and the Supreme Court approved, significant amendments to Trial Rule 81 governing how trial courts promulgate local rules. The amendments, which took effect on January 1, 2005, provided for a two-year transition period.

This rule requires local courts to post their rules on the Indiana Judicial Website and to post them locally on the county website, if available, or with the county court clerk. Any proposed amendments to the local court rules must also be transparent under TR 81. Local courts must transmit in digital format proposed rules, or changes to existing rules, to the Division for posting on the official court website. They must also transmit them to local court clerks for posting on their respective websites. Finally, local courts must give notice to the officers of any local county bar association of any proposed or amended local court rule.

Trial Rule 81 gave certain duties to the Division of State Court Administration, including establishing a schedule and a format for adopting or amending local court rules. The Division has published on the Indiana Judicial Website an annual schedule and standard format for drafting, amending, and numbering local court rules.

All courts of record in the county use one set of renumbered local rules. Local court rules, historically available mainly on courthouse bulletin boards, are now published on the Internet at the official website of the Indiana Judiciary, [www.IN.gov/judiciary](http://www.IN.gov/judiciary).

The Division legal staff provides on-going assistance to Indiana's trial courts in their efforts to propose new rules, amend existing local rules, and keep the

bar and the public informed about these activities. JTAC maintains the website where these local court rules are posted. However, the primary responsibility remains with the local courts to see that their court rules are kept up-to-date and in conformity with the Indiana Rules of Court.

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## 5) TEMPORARY JUDICIAL SERVICE

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The Division oversees several programs for temporary judicial services.

**Private Judges.** The Indiana General Assembly has provided by statute that, in certain circumstances, litigants can agree to try certain civil cases before a private judge who is compensated by the litigants (I.C. § 33-13-15-1 *et seq.*). The Division maintains a roster of private judges and administers requests and appointments of private judges.

A person who is not currently a judge of a circuit, superior, criminal, probate, municipal, or county court, but who has served as a judge for at least four (4) consecutive years may serve as a private judge. A private judge must be admitted to practice law in Indiana and be an Indiana resident. A former judge who wishes to serve as a private judge must register with the Executive Director of the Division. The Executive Director compiles and periodically updates a list of registered private judges that is made available to the public.

Parties to an action that qualifies, who wish to have it heard by a private judge, must submit a written petition to the Executive Director requesting a private judge and naming the judge. The Executive Director verifies that the former judge is qualified as required by the statutory provisions and then forwards the petition to the selected private judge.

The parties then obtain and file the written consent of the private judge in the court where the case is filed. The parties may present the petition and consent either contemporaneously with the filing of the case in the trial court or after the case has been filed. The regular judge of the court in which the case is filed actually appoints the private judge.

The parties pay a private judge. The compensation contract must include terms for compensation of all personnel and the costs of facilities and materials as determined by the Clerk of the Circuit Court. Requests for private judges are rare, with the first one taking place in 2004 and one each in 2005 and 2006, and two in 2007. For the most current list of registered private judges, look on the judicial website at [www.IN.gov/judiciary/admin/private-judges/roster.html](http://www.IN.gov/judiciary/admin/private-judges/roster.html).

**Judge *Pro Tempore*.** Indiana law allows a judge *pro tempore* (temporary judge) to sit in the place of a regular judge who is unavailable. Indiana Trial Rule 63 makes provisions for local appointments and also for appointments of such judges by the Supreme Court in cases where the sitting judge is either disabled or unavailable to serve as judge. In 2006, the Court amended Trial Rule 63 to clarify the process for judges seeking *pro tempore* appointments due to illness and military duty as two examples. The Division is responsible for administering requests for judges *pro tempore* and preparing the orders appointing them. In 2007, the Supreme Court made seven such appointments. The circumstances surrounding these appointments range from absences due to military service, temporary medical conditions, and vacancies created by retirement or death that exist until the Governor fills the vacancy.

To be appointed a judge *pro tempore* the individual must be an attorney in good standing with the bar of the Indiana Supreme Court. The judge *pro*

*tempore* has the authority of the judge that is being temporarily replaced, subject to the continuing jurisdiction of the Supreme Court.

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## **6) CIVIL LEGAL AID FUND**

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Since 1997, the Division has administered the distribution of a \$1,000,000 annual appropriation from the Indiana General Assembly to aid qualified organizations providing legal assistance to indigent persons in civil cases. In 2007, the Division made distributions to 12 organizations providing civil legal aid services to Indiana's poor. These 12 organizations provided services to over 23,000 clients. Distributions are based upon an analysis of each county's civil caseload as it relates to the civil caseload for the entire state, and the number of organizations serving each county. In 2007, the General Assembly increased the annual appropriation for the Fund to \$1.5 million.

Data indicates that the vast majority of cases handled by these providers continue to involve domestic relations matters such as divorce, separation, custody, visitation, paternity, termination of parental rights, and spousal abuse.

For more information, see the Civil Legal Aid Fund report in the Indiana Trial Courts Annual Reports section in this volume.

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## **7) COURT IMPROVEMENT PROGRAM GRANT**

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The Indiana Supreme Court continued its Court Improvement Program (CIP) in 2007 under the leadership of its Court Improvement Executive Committee. All three grants awarded in 2006 were again awarded in 2007.

The Division serves as the fiscal administrator of federal grant funds earmarked for improving the judicial system for abused and neglected children in foster care, while the Indiana Judicial Center provides substantive program administration. Federal grants are available in three general categories: basic court improvements, collaborative training and data collection.

Although the purpose and overall framework of the project are set by the U.S. Department of Health and Human Services and the American Bar Association's Center on Children and the Law, the Supreme Court and the members of the Executive Committee have guided the direction of the Indiana program.

CIP now has an ongoing multi-disciplinary task force that provides input and guidance regarding how CIP funds can be used. CIP staff has been very involved in the Child and Family Services Review conducted by the federal government in Indiana in July 2007. CIP funds continue to support Family Courts as well as JTAC and its work as it effects the processing of child welfare cases. In addition, CIP has recently helped fund a mental health court in Allen County and continues to support the CHINS Drug Court in Vanderburgh County.

At the local level, Indiana CIP helped fund a day long training seminar organized by Indiana Advocates for Children, Inc. and the Marion County Juvenile Court that addressed immigration issues for children in the juvenile court system. CIP is also providing funding to the Workplace Spanish® Training Program that has been developed through a partnership with the Indiana Supreme Court and IVY Tech Community College. CIP funds are provided to staff, such as CASA, that would otherwise not be eligible for these classes because they are not court sponsored or employed by their local courts.



At the regional level, CIP has collaborated with the Indiana Department of Child Services to provide an introduction to the department's child welfare practice reform for judges, court staff, CASA's and public defenders.

In December, 2007, Indiana CIP sponsored The Indiana Summit on Children—Partners Planning for Permanency, an opportunity for judges as well as the Department of Child Services staff and other community stakeholders to meet, collaborate and explore ways that everyone involved in Indiana's child welfare system can positively impact the outcomes for children and families who enter the child welfare system. The Data Grant is being used to develop tools which can evaluate court performance.

The Indiana Supreme Court anticipates that the innovative programs developed through this multiple grant funding will continue to improve the delivery of services to Indiana's children.

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## 8) COMMUNICATION LINK WITH JUDGES AND CLERKS

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The Division staff continues to provide a communication link with the trial courts, clerks and their staffs through a newsletter, the *Indiana Court Times*. In 2007, the Division began plans to revamp the "look and feel" of the *Court Times* and move it to its current production schedule of six issues per year.

In addition, routine e-mail communications are a regular part of the Division's contact with the judiciary. The Division maintains an updated e-mail directory for all judges, magistrates and clerks and provides JTAC-funded email service for courts and clerks who cannot fund it. In 2006, the Division created a judicial "listserv" that enables all Indiana judicial officers to communicate and share

ideas in a convenient forum. It went live in 2007.

The Division also communicates with the courts and clerks via the ICOR program which is the portal for online statistical reporting.

## TECHNOLOGY

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### 1) TRIAL COURT TECHNOLOGY AND AUTOMATION

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A major milestone was achieved in 2007 in improving trial court technology in Indiana when ten courts began using "Odyssey," a computer system that courts and court clerks use to record and manage information on pending cases. Odyssey was installed in the nine Circuit Courts of Monroe County and in the Marion County Washington Township Small Claims Court by the Supreme Court's Judicial Technology and Automation Committee (JTAC) as the initial step in its goal to equip all Indiana courts with a 21st-century case management system and connect the courts' case management systems with each other and with those who use and need court information. Included in the installation was free public access to information about the cases in the ten courts via the Supreme Court's website ([www.IN.gov/judiciary](http://www.IN.gov/judiciary)).

Work on developing such a statewide case management system began in earnest in 2002 following authorization by the Indiana General Assembly and its dedication of a portion of court filing fees to fund the project. The project suffered a substantial setback in 2005 when JTAC and the primary project vendor terminated their relationship. Following a new, ten-month procurement process, JTAC selected Tyler Technologies, Inc., a firm with significant experience in court and government



operations, to provide Indiana courts and clerks with its Odyssey product. In addition to the installation of Odyssey in the ten courts mentioned above, 2007 also saw intensive work on resolving problems related to the installation, major efforts to upgrade the Odyssey product to meet the needs of Indiana courts and clerks, and major strides toward installing Odyssey in courts in as many as eight additional counties in 2008-09.

In addition to the launch of and continuing work on Odyssey, JTAC had numerous other exciting developments in 2007.

#### **Protection Order Registry (POR)**

– Indiana trial courts regularly issue orders to protect potential victims of domestic violence. Getting those orders into the hands of law enforcement and others who need them as soon as possible after they are issued enhances the safety of those involved in domestic violence disputes. With the assistance of federal funds and a number of state and local agencies, the electronic "Protection Order Registry" (POR) notifies local, state and national law enforcement databases within minutes of a judge's order. The POR began operation in 2007, and 33 counties -- including the state's two largest -- were using it by the year's end. Work is underway to deploy the POR in all Indiana counties by the end of 2008.

**Electronic Citation and Warning System (eCWS)** – With federal funding and the help of law enforcement partners, JTAC developed the "Electronic Citation and Warning System" (eCWS) to use scanners and other technology to increase greatly the speed at which traffic tickets are issued. The Indiana State Police implemented the system in 2007, and several local law enforcement agencies also began using eCWS in 2007. A scanner reads the barcode on the driver license and registration, populating the e-ticket to save valuable time during stops and reduce data errors. Used in

conjunction with Odyssey in Monroe County, several thousand traffic tickets have already been filed electronically using eCWS that previously would have been processed by hand.

**Marriage License e-File** – More than 5,000 Indiana marriage licenses were issued through JTAC's new Marriage License e-File system in 2007. Used in 35 counties, the system eliminates the need to handwrite applications and record data in paper record books. The system transfers appropriate data electronically to the Indiana State Department of Health and Indiana State Library. Work is underway to enhance the system by using barcode scanners to input data from a driver license and providing free access to public data for people researching their family tree via the Internet.

**Jury Management System** – The Jury Management System project builds on the success of JTAC's nationally recognized Jury Pool Project that generates the most inclusive Jury Pool List ever available. The Jury Management System helps courts and clerks create jury lists, labels, summonses, and reimbursement records. It was piloted in 2007 in 19 Indiana counties.

**JTAC-BMV Project** – In 2005, JTAC and the Indiana Bureau of Motor Vehicles (BMV) launched a joint initiative to help courts comply with federal requirements that demanded faster reporting to the BMV of serious violations committed by commercial drivers. Using a computer program developed by JTAC called INcite, average transmission time from courts to the BMV of certain traffic infraction information dropped from 53 to eight days. And the courts sending this traffic infraction information to the BMV electronically (instead of by mail or fax) increased from 33 to more than 180.

**ICOR Project** – The "Indiana Courts Online Reports" (ICOR) project enables courts and probation departments

to file their statistical reports with the Indiana Supreme Court over the Internet, rather than by mail or fax. These reports provide quarterly information on such matters as the filing and disposition of cases and annual fiscal information. Using this information, the Supreme Court publishes this Annual Judicial Service Report, providing vital information for long-range planning and other policy decisions by the Supreme Court, the General Assembly, and others.

**Indiana Courts Website**  
([www.IN.gov/judiciary](http://www.IN.gov/judiciary)) – JTAC develops and maintains the Internet website for Indiana courts, containing information about Indiana trial courts, city and town courts, and county clerks, including contact information, local rules, and online tours. The website has extensive sections on Indiana appellate courts and their agencies, judicial committees, programs and initiatives discussed in this report. Visitors can also access public court records from Odyssey and webcasts of oral arguments. Appellate opinions and the Child Support Calculator are the two most popular features of the website.

JTAC was created by administrative rule in 1999 with a mission to assess information technology needs, and develop a long-range strategy and implementation plan for Indiana courts.

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## 2) APPELLATE COURT AUTOMATION AND TECHNICAL SERVICES

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In 2007 the Supreme Court contracted with the National Center for State Courts to study and make recommendations about electronic filing in the appellate courts. The scope of the project took a slightly broader view by looking at the entire appellate case management system and IT functions as a whole. After a weeklong visit during which National Center staff conducted

broad interviews with all levels of appellate court staff, the National Center presented the Court with an extensive report detailing many proposals for improvement. The Court is presently examining these options and implementing the highest priority ones.

The Technical Services Section of the Division continues to provide daily computer operations support to all users of the Supreme Court, Court of Appeals, and all supporting agencies. The section started to implement new software, Microsoft's Vista operating system, and the full Microsoft 2007 Office suite.

In 2007 the use of Virtual Private Network (VPN) connections to our network from the outside increased dramatically. We more than doubled the number of users that were accessing the network from home, or on the road.

The section helped to implement a Document Management System (DocWorker) for the Continuing Legal Education agency. It will not only help them control and limit the amount of paper stored in their office, but also allows them to search the database of stored documents to find specific class information that is required.

The section also was involved in a major redesign of our network structure in preparation for a move of the Division's offices to 30 South Meridian Street at the end of December.

The section also implemented new wireless network technologies in the new 30 South Meridian location, so that we can provide internet connectivity for public users in our offices, as well as private access to our network for our courts users with wireless capability on their laptops.

## **COMMISSIONS & COMMITTEES STAFF SUPPORT**

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### **1) JUDICIAL NOMINATING COMMISSION/INDIANA COMMISSION ON JUDICIAL QUALIFICATIONS**

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As required by I.C. § 33-24-6-3(4), the Division provides legal and administrative staff support to the Indiana Commission on Judicial Qualifications and the Indiana Judicial Nominating Commission. The Qualifications Commission investigates and prosecutes allegations of ethical misconduct by Indiana judges, judicial officers, and candidates for judicial office. Commission staff is available to advise judges and others about the Code of Judicial Conduct, and the Commission periodically issues formal advisory opinions about judicial ethics. The Nominating Commission selects the Chief Justice of Indiana from among the five Justices, and it solicits and interviews candidates for vacancies on the Indiana Supreme Court, the Indiana Court of Appeals, and the Indiana Tax Court. The Nominating Commission also certifies former judges as senior judges.

A more detailed report about the Commission, its members and activities is published in the Indiana Supreme Court Annual Report, and may be found at [www.IN.gov/judiciary/jud-qual](http://www.IN.gov/judiciary/jud-qual).

For more information, see the Judicial Nominating Commission statistical report in the Indiana Trial Courts Annual Reports section in this volume.

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### **2) RULE AMENDMENTS AND THE SUPREME COURT COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

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The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and, together with Division legal staff, assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court.

The most prominent rule amendments adopted by the Court in 2007 dealt with: 1) amending the Appellate Rules regarding the process for appealing Tax Court decisions; 2) amending the Trial Rules with regard to discovery of electronically stored information; 3) amending the Jury Rules to clarify that alternate jurors may ask questions during trials and may participate in discussion of the evidence during court recesses; 4) creating Administrative Rule 17, providing procedures for court operations in the case of a natural disaster or other exigent circumstances; 5) amending Admission and Discipline Rule 27, providing for attorney surrogates when a lawyer has died, disappeared, become disabled, or been disbarred or suspended; and 6) amending Admission and Discipline Rule 29, providing Continuing Legal Education credit for legislative service.

During 2007, among other issues, the Committee also devoted substantial time to studying proposals regarding: 1) when a judgment is considered “entered” for purposes of various deadlines; 2) attorney advertising; 3) residual hearsay; 4) the cy pres doctrine; and 5) appeals from decisions from administrative agencies.

### 3) PUBLIC DEFENDER COMMISSION

The Division is responsible for providing staff support to the Indiana Public Defender Commission. The Commission sets standards for indigent defense services in non-capital cases and recommends standards to the Indiana Supreme Court for application in capital cases. The Commission is comprised of eleven members: three members are appointed by the Governor; three members are appointed by the Chief Justice; one member is appointed by the Indiana Criminal Justice Institute; two are members of the House of Representatives appointed by the Speaker of the House; and two are members of the Senate appointed by the President *Pro Tempore* of the Senate.

In capital cases, counties receive reimbursement for 50% of eligible expenses. In other criminal cases, counties that qualify by meeting certain standards receive up to 40% reimbursement of indigent criminal defense costs for felony and juvenile cases. Through this system of reimbursement, the General Assembly and the Supreme Court intend to encourage counties to provide qualified indigent defense in criminal cases.

In 2007, appropriations to the Public Defense Fund, which is non-reverting, totaled \$12.25 million. As of the time of this report, 57 counties have comprehensive plans for delivery of indigent services approved by the Commission. Over 60 % of the state's population resides in counties eligible to receive reimbursements in non-capital cases under the program.

The entire Commission meets quarterly and reviews claims submitted by counties for eligibility and compliance with statewide standards. In calendar year 2007, the Commission approved claims totaling \$13,586,669.15 for non-capital cases and \$755,126.85 for capital cases.

For more information, see the Public Defender Commission statistical report in the Indiana Trial Courts Annual Reports section in this volume.

### 4) INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY (CLEO)

According to Jonathan Swift, "vision is the art of seeing what is invisible to others." Ten years ago when surveying the Indiana bench and bar, Chief Justice Randall T. Shepard observed the absence of minority attorneys and judges. The visionary within him longed to see greater diversity in the Indiana legal community. He created the Indiana Conference for Legal Education Opportunity (Indiana CLEO) in 1997 in an effort to see this vision come to pass. In August 2007, this great program celebrated ten years of providing traditionally underrepresented groups access to a legal education.

A variety of events took place during the weeklong celebration that culminated with a gala at the Indiana Historical Society. Over 200 current Fellows, alumni and program supporters showed up to commemorate this historical occasion. Special recognition was given to Chief Justice Shepard and to the core group of individuals responsible for assisting in the efforts to make Indiana CLEO a reality.

Indiana CLEO Fellows represent the best and the brightest. Fifteen CLEO Fellows graduated from law school in 2007. Fourteen of the May graduates are currently working in some capacity within the Indiana legal community. The passage rate for the July 2007 Indiana bar examination was 92%.

Indiana CLEO Fellows are making great strides within the legal community. CLEO alumna Chasity Thompson, a 1997 Fellow, was promoted to Assistant Dean of

Professional Development at the Indiana University School of Law Indianapolis. In 2007, Lieutenant Governor Rebecca Skillman created a legal internship exclusively for Indiana CLEO Fellows. Additionally, two second year Indiana CLEO Fellows were chosen as the inaugural recipients of the \$10,000 Baker and Daniels, LLP Diversity Scholarship.

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## **5) COMMISSION ON RACE AND GENDER FAIRNESS**

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In 1999, the Supreme Court created the Commission on Race and Gender Fairness to examine the issues involving race and gender fairness in Indiana's judicial system, among legal service providers, state and local government, and public organizations. The Commission, made up of members of the judiciary, bar, state and local governments, academia, law enforcement and corrections, and public organizations, also makes recommendations to the Court for improvements, and the Division provides the necessary staff support to the Commission. Former Indiana Supreme Court Justice Myra Selby is the chair, and Indiana Court of Appeals Judge Ezra Friedlander is the co-chair of the Commission.

Since its creation, the Commission has worked diligently to accomplish its mission. The Commission first conducted over three years of research to assess where Indiana stood on the issue of race and gender fairness. Through public forums, surveys and focus groups, the Commission reached the community, judges, court employees, attorneys, and other court users, and dialogue took place on the issue of race and gender fairness in Indiana's courts. From these discussions, the Commission developed a road map for the course Indiana should take to stay relevant and stay ahead of race and gender fairness issues that arise in our legal system, and submitted its Executive

Report and Recommendation to the Indiana Supreme Court in 2003.

The Executive Report contains 30 recommendations in five areas: Makeup of the Profession, Language and Cultural Barriers, Criminal and Juvenile Justice, Civil, Domestic and Family Law, and Employment. The first recommendation establishing a foreign language certified court interpreter program was initiated just a few months after the issuance of the Report, and to date, Indiana has more than 50 certified interpreters (including Spanish, Arabic, and French) for use in our courts. Other accomplishments include the 2005 Diversity Summit, which featured Harry Belafonte as the keynote speaker, the creation and distribution of an initial hearing rights video in Spanish, data collection of the demographic makeup of the legal profession in Indiana, and the scholarly treatment of the results of the survey of women in the law in the law review article "The Future of Women in the Legal Profession: Recognizing the Challenges Ahead by Reviewing Current Trends", by Professor Maria Pabon Lopez, Associate Professor of Law, Indiana University of Law, Indianapolis, published in *Hastings Women's Law Journal*, University of California, Hastings College of Law, Winter 2008.

As work continues, the Commission continues to demonstrate that the Court is dedicated to the fundamental principle that every litigant is entitled to equal access and fair treatment in our courts.

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## **6) INDIANA PROJECT ON SELF REPRESENTED LITIGANTS-PRO SE COMMITTEE**

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Since 2000, the Division has helped the Indiana Supreme Court *Pro Se* Committee maintain a Self Service Center on the judicial website, and helped trial courts and their staff respond to the

growing number of self-represented litigants. In September 2007, the Supreme Court amended Administrative Rule 4(D), effective on January 1, 2008, to reconstitute the *Pro Se* Committee as the Indiana Supreme Court Committee on Self Represented Litigants. Its mission is to study and recommend improvement of the practices, procedures, and systems for serving the self represented litigants in Indiana's courts. The Committee is composed of judges, court clerks, community members, librarians, attorneys, and other service providers.

The Citizens Self-Service Center website (found at [www.IN.gov/judiciary/selfservice](http://www.IN.gov/judiciary/selfservice)) provides pleadings, forms, and instructions for unrepresented parties to use in certain simple proceedings. A Division staff attorney also serves as the contact person for referral resources for *pro se* litigants and to field inquiries from the Self Service website.

For more information on the number of self represented litigants in Indiana's courts, see the *Pro Se* Litigants statistical report in the Indiana Trial Courts Annual Reports section in this volume.

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## 7) SUPREME COURT RECORDS MANAGEMENT COMMITTEE

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The Supreme Court Records Management Committee was created by Administrative Rule 4. Chaired by Supreme Court Justice Brent Dickson, the committee is charged with the responsibility to study the practices, procedures and systems for the maintenance, management and retention of court records used by the courts and court agencies and make recommendations to the Supreme Court for modernization, improvement and standardization.

The committee's membership includes trial court judges, court clerks, court administrators, staff of the administrative agencies of the Supreme Court and the Court of Appeals, attorneys in private practice, as well as the Public Defender of Indiana and the Executive Director of the Prosecuting Attorneys Council. Staff assistance to the committee is provided by the Division's Trial Court Management Section.

The Records Management Committee met twice in 2007, and worked on a variety of issues, including several issues regarding Administrative Rule 9, such as whether a person's driver's license number appearing in court records should be protected from public access, how audio and video recordings of court proceedings are to be copied and the protocol for maintaining confidentiality of court records at the appellate level. Additionally, the committee considered whether to recommend changes to Administrative Rule 14 concerning the use of audio and video telecommunications in court proceedings. Amendments to Administrative Rule 7 to add further categories of documents to the retention schedules were discussed as well. The Trial Rule 77 sub-committee, chaired by Judge Steven Nation, Hamilton Superior Court 1, continued its study of issues pertaining to Trial Rule 77.

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## CONCLUSION

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While this section highlights the many projects and activities of the Division, its main function and emphasis continues to be providing first-rate service to the Indiana Judiciary.